

Introduced by Senator Ducheny

February 22, 2005

An act relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 935, as introduced, Ducheny. Topock site cleanup report.

The Carpenter-Presley-Tanner Hazardous Substance Account Act imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act authorizes the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances.

This bill would require the department, by July 1, 2006, to submit a report to the Governor and the Legislature on the progress of the site evaluation and clean up of the groundwater at the Topock Compressor Station in the County of San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

1 (1) The Department of Toxic Substances Control determined
2 in 2004 that immediate action was necessary to try and prevent
3 groundwater containing chromium from reaching the Colorado
4 River, and implemented a groundwater pumping operation at the
5 Topock Compressor Station in the County of San Bernardino, as
6 an interim measure that commenced in March of 2004.

7 (2) The department took that action after filing a notice of
8 exemption from the California Environmental Quality Act
9 (CEQA; Division 13 (commencing with Section 21000) of the
10 Public Resources Code).

11 (3) The department is now considering significant expansions
12 of the treatment facility.

13 (4) Significant concern has been raised that the
14 characterization of the extent of the existing contamination has
15 been insufficient to determine if the contamination has already
16 crossed under the river.

17 (5) It is important to assure that the extent of the
18 contamination is fully explored and that the consequences of all
19 alternative treatment programs are fully assessed and presented
20 to the public.

21 (b) On or before July 1, 2006, the Department of Toxic
22 Substances Control shall submit a report to the Governor and the
23 Legislature on the progress of the site evaluation and cleanup of
24 the groundwater at the Topock Compressor Station in the County
25 of San Bernardino. The report shall include, but not be limited to,
26 all of the following:

27 (1) The results of testing by the department or any other
28 agency of this state, any neighboring state, or the federal
29 government, to determine whether the chromium contamination
30 has already reached the other side of the Colorado River. If no
31 testing has been done, the report shall include an explanation of
32 the reason why no testing was done, and how this testing might
33 be achieved.

34 (2) An analysis and description of how the proposed
35 expansion and location of operations might affect Native
36 American lands or heritage interests, and a description of any
37 formal government-to-government consultations on the
38 expansion.

39 (3) A full description of any alternatives to the currently
40 proposed expansion and relocation that have been considered by

1 the Department of Toxic Substances Control, and the advantages
2 and disadvantages of those alternatives.

3 (c) The Department of Toxic Substances Control may prepare
4 the report required pursuant to subdivision (b) in consultation
5 with other state and federal agencies involved with the site, and
6 shall include in the report a summary of the activities of those
7 additional agencies.

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to assure that the extent of the contamination is fully
13 analyzed at the Topock Compressor Station, thereby protecting
14 public health and safety and the environment, it is necessary that
15 this act take effect immediately.